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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,236	07/18/2003	Todd E. Lizotte	IDEDYN P04GUSP1	4636
20210	7590	04/05/2006	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			TRAIL, ALLYSON NEEL	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,236

Applicant(s)

LIZOTTE ET AL.

Examiner

Allyson N. Trail

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27, 29 and 31-49 is/are pending in the application.
- 4a) Of the above claim(s) 23-27, 29 31-40, and 46 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41-45 is/are allowed.
- 6) ☒ Claim(s) 1, 7, 8, 11, 16, 22, 47 and 48 is/are rejected.
- 7) ☒ Claim(s) 2-6, 9, 10, 12-15, and 17-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the Amendment filed October 20, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 8, 11, 16, 47, and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Babbitt (5,412,195), hereinafter Babbitt.

With respect to claims 1, 8, 11, and 16 Babbitt illustrates in figure 1 an encoded hologram strip 10, for example, on a substrate 13 that forms part of a credit card, identification card, or the like. The encoded hologram strip is comprised of a plurality of small holographic code elements or digits 30 arranged side by side in a linear array, for example contiguously as shown in FIG. 1. Each holographic digit 30 is comprised of at least one parallel fringe reflection hologram or mirror hologram. Each holographic digit 30 that can be comprised of a stack of respective hologram layers 15 wherein each layer contains a single hologram, as shown in FIG. 1. Also, each holographic digit 30 can be comprised of a single hologram layer in which a plurality of holographic keys have been recorded, or a plurality of hologram layers each having a plurality of holograms formed therein. Each holographic digit can be recorded in one or more layers that are distinct for each holographic digit, or all holographic digits can be

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recorded in one or more layers extend across all digits and contains all the holographic keys for all digits. It should be appreciated that the hologram digits can be separated by spaces which can contain other information that can be utilized in the reading of the encoded hologram strip, for example for correlating the holographic keys with their associated digits if desired. Also, non-hologram containing digits can be interleaved with the hologram digits for further encoding combinations.

With respect to claim 47 and 48, the hologram disclosed by Babbitt includes a color. A colorful hologram is clearly considered artwork.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Babbitt in view of Daniel et al (2001/0005570), hereinafter Daniel.

Babbitt's teachings are discussed above. The teachings however fail to specifically teach the hologram being a Fourier hologram.

With respect to claims 7 and 22, Daniel teaches in paragraph 0005, the hologram is "Fourier hologram".

In view of Daniel's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made for the hologram taught by Babbitt to specifically be a Fourier hologram as is taught by Daniel. Fourier holograms are well

known in the art and therefore one would be motivated to use a Fourier hologram because of the known qualities that hologram includes.

Allowable Subject Matter

6. Claims 2-6, 9, 10, 12-15, and 17-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Claims 41-45 are allowable over prior art.

The following is an examiner's for allowance: Although Babbitt teaches an indicia for marking on an object for representing selected information, the above identified prior art of record, taken alone, or in combination with any other prior art, fails to teach or fairly suggest the specific features of claims 2-6, 9, 10, 12-15, 17-21, and 41-45 of the present claimed invention. Specifically, prior art fails to teach the encoded pattern being an encoded hologram multi-dimensional barcode or an encoded barcode. Prior art additionally fails to teach the indicia being imprinted in a marked surface of an object by physical impact of a marking indicia that is an inverse image of the indicia or by removal of selected areas of surface material representing an image of the indicia. Prior art fails to teach a firearm firing pin anti-tampering marking indicia for marking an identification indicia representing selected information on a portion of a cartridge case including a radial bar code residing on the circumference of an end section of a striking member of a firing pin, wherein the radial bar code includes a plurality of grooves and lands extending from an end of the striking section impacting a portion of a cartridge case and along the striking member for a preselected encoding distance to mark the

radial bar code represented by the grooves and lands into the portion of the cartridge case, wherein the encoding distance is selected such that removal of the radial bar code from the firing pin by removal of a portion of the striking section containing the radial bar code will render the firing pin incapable of impacting the cartridge case to fire the cartridge. Lastly, prior art fails to specifically teach a marking indicia for marking an identification indicia representing selecting information on a portion of a cartridge case including a marking indicia disposed in a circular pattern on an end face of a firing pin tip, wherein the circular pattern is centered about an axis of the firing pin, and is physically encoded as a sequence of encoded bits recessed into a surface of an end face of the firing pin tip, wherein the encoded bits are separated by encoded lands, such that removal of the marking indicia from the firing pin by removal of a portion of the striking section of the firing pin tip will render the firing pin incapable of impacting the cartridge case to fire the cartridge. The above disclosed limitations are not taught in prior art and moreover, one of ordinary skill in the art would not have been motivated to come to the claimed invention.

Response to Arguments

7. Applicant's arguments with respect to claims 1-22, 41-45, 47, and 48 have been considered but are moot in view of the new ground(s) of rejection. Currently claims 1, 8, 11, 16, 47, and 48 are rejected by Babbitt and claims 7 and 22 are rejected by Babbitt in view of Daniel. It is believed that Babbitt clearly teaches the claimed limitations of claims 1, 8, 11, 16, 47, and 48.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

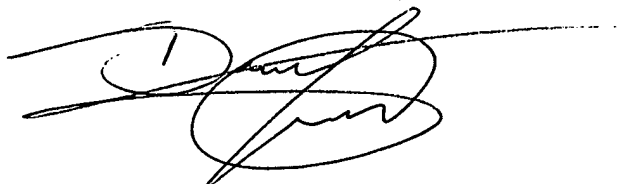
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Allyson N. Trail
Patent Examiner
Art Unit 2876
March 20, 2006

DANIEL STCYR
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Daniel Stcyr', is written over the printed name and title. The signature is stylized with a large loop and a long horizontal stroke extending to the right.